

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOES I, II, III, et al.,)	
)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:20-1260
)	
EUGENE SCALIA, United States)	(JUDGE MANNION)
Secretary of Labor, et al.,)	
)	
)	
Defendants.)	

DECLARATION

I, Shannon M. Warner, state pursuant to 28 U.S.C. § 1746:

1. I am a Compliance Safety and Health Officer employed by the Occupational Safety and Health Administration. I am assigned to OSHA's Wilkes-Barre, Pennsylvania Area Office.

2. On June 1, 2020, I was assigned OSHA's inspection of Maid-Rite Specialty Foods, LLC's plant in Dunmore, Pennsylvania (Inspection 1477025).

3. I conducted an opening conference with Maid-Rite officials on June 2, 2020. During that conference, I explained the scope of the

inspection. I also requested from the company some photographs of the facility so I could understand its layout.

4. The scope of inspection 1477025 is to determine whether Maid-Rite is complying with the OSH Act and OSHA standards regarding employee safety at the Dunmore plant, specifically as it relates to the possible spread of the virus that causes COVID-19.

5. Maid-Rite's Director of Human Resources, David Hollander, sent me diagrams of the facility on or about June 3, 2020, and sent me photographs of the facility on or about June 9, 2020.

6. During the course of my inspection, I have also interviewed privately approximately 15-20 employees.

7. From the employee interviews, I learned that workers typically wear gloves, masks, hair nets, and face shields.

8. At least one employee informed me that the company has instructed workers to not come to work if they are sick. Maid-Rite management officials confirmed this. In addition, workers told me that Maid-Rite had installed partitions in the lunch room to promote social distancing during lunch.

9. I conducted a site visit of Maid-Rite's Dunmore plant on July 9, 2020. I spent about an hour at the facility, taking photographs and gathering other information. I also took a video of some aspects of the production line.

10. During my on-site inspection, I learned that there were sinks for handwashing in several places near the production line. I also learned that Maid-Rite added hand sanitizer stations after the pandemic started.

11. Based upon all the evidence I have gathered so far, I do not believe that imminent danger conditions exist at the Maid-Rite plant. Therefore, I have not recommended to my supervisors that an imminent danger action should be brought under section 13 of the OSH Act.

12. During my inspection, Mr. Hollander informed me that the Plant has not experienced a positive COVID-19 case among its employees since May 14, 2020. In addition, Maid-Rite has not reported to OSHA a work-related hospitalization or fatality based on COVID-19 at any time since the pandemic began.

13. Inspection 1477025 is still ongoing. I am continuing to investigate whether Maid-Rite can take additional feasible abatement measures to improve social distancing at the facility.

14. If I determine that Maid-Rite has violated the general duty clause or an OSHA standard, I will recommend a citation to my assistant area director and area director.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 27, 2020.

A handwritten signature in black ink, appearing to read "Shannon M. Warner", written in a cursive style.

Shannon M. Warner